

**Fiscal Services Division**  
**Legislative Services Agency**  
**Fiscal Note**

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HF 682 - Deferred Judgment, Civil Penalty (LSB 2604 HV)  
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Fiscal Note Version - New

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**Description**

House File 682 relates to the assessment of a civil penalty upon the entry of a deferred judgment.

**Background**

1. In calendar year 2004, there were 1,496 felony convictions which received a deferred judgment, as well as 1,055 aggravated misdemeanors, 6,197 serious misdemeanors, and 1,623 simple misdemeanors which received a deferred judgment.
2. Pursuant to the Bill, the judge imposes the fine. If the person cannot pay the civil penalty, the Judicial Branch would use all the statutory procedures available to obtain the fine such as noticing, income tax offset, and county attorney special enforcement.

**Assumptions**

1. The collection rate for the first year is 25.0%. At the end of two years, the total amount collected would be 45.0% of the original fine.
2. House File 682 may result in an additional five to eight minutes for clerk processing time per case at an estimated total cost ranging from \$14,000 to \$23,000 a year.
3. House File 682 may result in more trials because defendants may have less incentive to plead guilty and take a deferred judgment. House File 682 is estimated to result in 130 additional trials a year (5.0%) at the District Court level and 390 additional trials a year (5.0%) at the District Associate Judge level. Each trial is estimated to last approximately 30 minutes. This may add between \$8,500 and \$24,000 costs for additional trials.

**Fiscal Impact**

House File 682 would have a minimal fiscal impact on the Judicial Branch.

House File 682 generates \$1.1 million in revenue in FY 2006 and \$1.9 million in revenue in FY 2007 and each year thereafter. This additional revenue will be deposited into the General Fund.

**Sources**

Department of Human Rights, Criminal and Juvenile Justice Planning Division (CJJP)  
Judicial Branch

/s/ Holly M. Lyons

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March 16, 2005

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

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